

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. Entry of this Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

Claims 1-10 and 13-17 are pending in the application. Claims 11-12 and 18-20 have been cancelled without prejudice or disclaimer. Claim 13 has been rewritten in independent form including all limitations of base claim 11 and intervening claim 12. No new matter has been introduced through the foregoing amendments.

Indication of allowable subject matter of **claims 7-10** in the absence of *any* rejection is respectfully requested.

The non-statutory double patenting rejections of **claims 1-6** over the conflicting claims of commonly owned copending application Serial No. 10/523,787 and/or commonly owned prior patent No. 7,242,757 are obviated through the submission of the attached Terminal Disclaimers. It should be noted that the filing of the attached Terminal Disclaimers is not an admission of the propriety of the Examiner's rejection.

The rejections of **claims 11-12 and 18-20** are moot as the rejected claims have been cancelled.

The *35 U.S.C. 103(a)* rejection of **claims 13-18** over *Hahm* (U.S. Patent No. 7,242,756) is traversed because *Hahm* does not qualify as applicable prior art under *35 U.S.C. 103(a)* in light of the following facts:

- a. *Hahm* qualifies as prior art only under *35 U.S.C. 102(e)* as of its international filing date (August 04, 2003); AND

b. The instant application was filed (August 22, 2003 – international filing date) after November 29, 1999, the effective date of amended *35 U.S.C. 103(c)*; AND

c. Applicants hereby state, by and through the undersigned counsel, that the subject matter of the *Hahm* reference and the invention claimed in the instant application were, at the time the claimed invention was made, owned by the same company, i.e., SK Telecom Co., Ltd.

35 U.S.C. 103(c) then applies to disqualify *Hahm* as prior art usable in an obviousness rejection under *35 U.S.C. 103(a)*. It should be noted that the Statement at point (c) alone is sufficient evidence to establish common ownership at the time the instant invention was made. *See MPEP*, section 706.02(l)(2).

In view of the above, Applicants respectfully request that the *35 U.S.C. 103(a)* rejections relying on *Hahm* be withdrawn.

Conclusion

Accordingly, all claims in the present application, namely, claims 1-10 and 13-17, are now free of prior art and believed in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under *37 C.F.R. 1.136* is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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